

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MAGISTRATE JUDGE
SIMONTON

CASE NO.

00-2901-

CIV-NESBITT

UNITED STATES OF AMERICA,

Plaintiff,

v.

10.00 ACRES OF LAND, MORE OR
LESS, IN THE COUNTY OF
DADE, STATE OF FLORIDA; and
ELICER A. LICEA,
et al., and Unknown Owners,

Defendants.

Tract No. 204-40
(EAST EVERGLADES)

**COMPLAINT IN CONDEMNATION
PURSUANT TO DECLARATION OF TAKING**

CLERK OF DISTRICT COURT
S.D. OF FLA - MIA
CO AUG -9 PM 1:32

1. The plaintiff, the United States of America, by and through the undersigned Assistant United States Attorney for the Southern District of Florida, hereby brings this action to take property at the request of HORACE G. CLARK, Regional Solicitor, Southeast Region, U.S. Department of the Interior, for the taking of 10.00 Acres of Land, More or Less, Situated in Dade County, Florida, under the power of eminent domain, by and through the Declaration of Taking executed by HORACE G. CLARK, and for the ascertainment and award of just compensation to the owners and parties in interest.

2. The authority for the taking of the land is stated in Schedule A, attached hereto.

3. The public uses for which the land is taken is stated in

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Schedule A, attached hereto.

4. The property taken, the estates to be taken and the names and addresses of persons having or claiming an interest in the property are contained in Schedules B and C attached hereto.

5. A plat showing the land taken is attached as Schedule D.

6. Local and State taxing authorities may have, or claim, an interest in the property by reason of taxes and assessments.

7. In addition to the persons named, there are, or may be, others who have or may claim some interest in the property taken, whose names are unknown to the plaintiff; such persons are, hereby, made parties to the action under the designation, "Unknown Owners."

WHEREFORE, the plaintiff prays that this Court order that the property be condemned, pursuant to both the Declaration of Taking filed with this complaint and the Declaration of Taking Act, 40 U.S.C. § 258a; that just compensation for the taking be ascertained and awarded; and that this court order such other relief as may be lawful.

Respectfully submitted,

GUY A. LEWIS
UNITED STATES ATTORNEY

By: 

CAROL E.A. DEGRAFFENREIDT
Assistant United States Attorney
Florida Bar No. 0642101
99 N.E. 4th Street
Miami, Florida 33132
TEL: (305) 961-9330
FAX: (305) 530-7139

SCHEDULE "A"

EVERGLADES NATIONAL PARK

AUTHORITY FOR THE TAKING

The authority for the taking of the land is under and in accordance with the Act of Congress approved August 1, 1888, 25 Stat. 357, as amended, 40 U.S.C., sec. 257; the Act of Congress approved February 26, 1931, 46 Stat. 1421, as amended, 40 U.S.C., sec. 258a, the Act of May 30, 1934, 48 Stat. 816, as amended, which authorized the establishment of Everglades National Park; the Act of December 13, 1989, 103 Stat. 1946, 16 U.S.C., sec. 410r-5, et seq., which expanded the boundaries of Everglades National Park; and the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended, 16 U.S.C., sec. 460l-4, et seq.; and under the authority of the Department of Interior and Related Agencies Appropriation Act, 2000, as enacted by section 1000 (a) (3) of the Consolidated Appropriations Act, 2000 (Public Law 106-113), which Act appropriated funds for such purposes.

PUBLIC USES

The public uses for which said land is to be taken are as follows: The land is required to modify the boundaries of Everglades National Park and to provide for the protection of lands, waters, and natural resources within the park for the benefit and enjoyment of future generations. The said land has been selected for acquisition by the United States of America for said purposes, and for such other uses as may be authorized by Congress or by Executive Order.

SCHEDULE "B"

EVERGLADES NATIONAL PARK

Tract 204-40

DESCRIPTION:

All that certain tract or parcel of land lying and being situated in the County of Dade, State of Florida, and being more particularly described as follows:

Tallahassee Meridian
Section 36, Township 54 South, Range 37 East,

NE1/4 SE1/4 SW1/4

Containing 10.00 acres, more or less.

Estimated compensation deposited in the Registry of the Court for the above-described property is \$5,000.00.

ESTATE TAKEN:

The fee simple title subject to: (a) all interests of the State of Florida or any political subdivision thereof; (b) oil, gas and mineral interests of record outstanding in third parties; (c) rights of others in and to an easement for a road right-of-way, created by a Declaration of Easements dated March 1970, and recorded in O.R.B. 6853, Page 484 of the Public Records of Dade County, Florida; (d) all matters as shown of record on the Plat of Tamiami Trail Lands, recorded in Plat Book 4, Page 92, and amended plat recorded in Plat Book 4, Page 119 of the Public Records of Dade County, Florida; and (e) existing easements for public roads and highways, public utilities, railroads, and pipelines.

SCHEDULE "C"

EVERGLADES NATIONAL PARK

Tract 204-40

NAMES AND ADDRESSES OF PURPORTED OWNERS:

Elicer A. Licea and Hermida Licea, his wife
(address unknown)
last known address: 552 NW 28th Street
Miami, FL 33127

NAMES AND ADDRESSES OF OTHER PARTIES WHO MAY HAVE OR CLAIM AN INTEREST IN THE LAND:

Ann Tucker or J. Tucker, Trustee
P.O. Box 144366
Coral Gables, FL 33114
(By virtue of Tax Certificate No. 99-00040698)

B. Tucker, Trustee
P.O. Box 144366
Coral Gables, FL 33114
(By virtue of a Notice of Lis Pendens, Case No. 95-06894, recorded in O.R.B. 16743, Page 2112, of the Public Records of Dade County, Florida; and by virtue of an Assignment of Mortgage recorded in O.R.B. 16545, Page 4222, of the Public Records of Dade County, Florida)

Commercebank, NA
President: Millar Wilson
220 Alahambra Circle
Coral Gables, FL 33134-5255
(By virtue of a Final Judgment, recorded in O.R.B. 18459, Page 3840, and re-recorded in O.R.B. 18497, Page 4306, of the Public Records of Dade County, Florida)

Fidelity and Deposit Company of Maryland
300 St. Paul Place
Baltimore, MD 21202
Registered Agent: Insurance Commissioner State of Florida
Capitol Building
Tallahassee, FL 32301
(By virtue of a Final Judgment, recorded in O.R.B. 15023, Page 2291, and re-recorded in O.R.B. 18038, Page 96, of the Public Records of Dade County, Florida)

SunTrust Bank Holding Company

f/k/a SunBank/Miami, N.A.

200 S. Orange Avenue

Orlando, FL 32802

Registered Agent: Janet C. Thorpe

same address as above

(By virtue of an Agreed Final Judgment, recorded in O.R.B. 17510, Page 2302, of the Public Records of Dade County, Florida)

Department of Treasury

Internal Revenue Service

District Counsel

1114 Federal Office Building, Stop 8000

51 Southwest First Avenue

Miami, FL 33130

(By virtue of a Notice of Federal Tax Lien, recorded in O.R.B. 18010, Page 528, of the Public Records of Dade County, Florida)

Tax Collector

Tax Collection Division, South Dade Branch

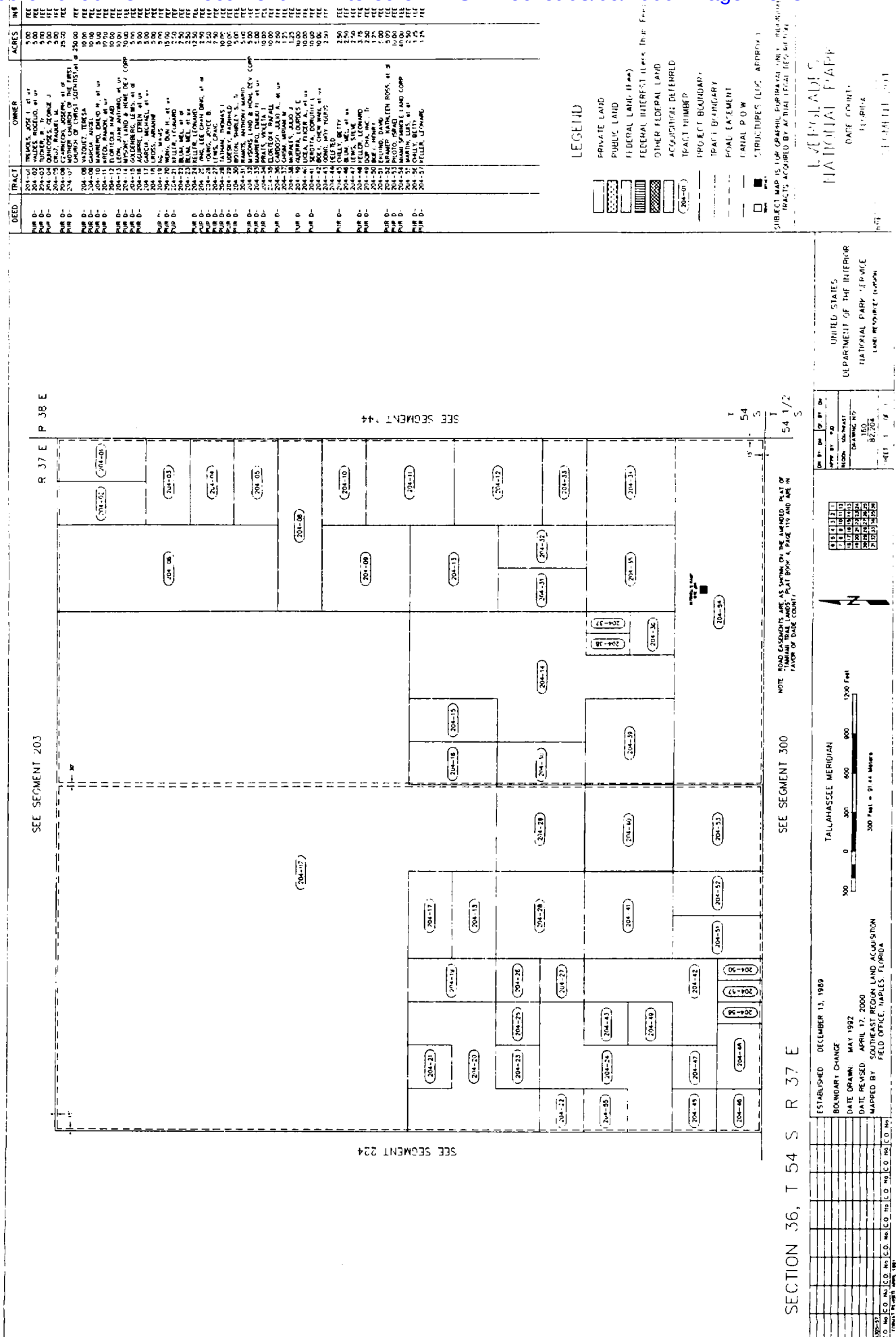
County of Dade

10710 Southwest 211th Street

Miami, Florida 33189

(By virtue of a possible lien for real property taxes)

Unknown owners



JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleading or other papers as required by w, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of a Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS

UNITED STATES OF AMERICA

MAGISTRATE JUDGE
SIMONTONb) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

Dade A 1:00CV2901 LCN/AMS

c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Carol E.A. DeGraffenreidt, AUSA
99 N.E. 4th Street
Miami, FL 33132 (305) 961-9330

d) CIRCLE COUNTY WHERE ACTION AROSE:

DADE, MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE, HIGHLANDS

I. BASIS OF JURISDICTION

PLACE AN X ONE BOX ONLY

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item 5)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Case Only)

Citizen of This State

☐ 1☐ 1

Citizen of Another State

☐ 2☐ 2

Citizen or Subject of a Foreign Country

☐ 3☐ 3

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Domiciled or Principal Place of Business in This State

☐ 4☒ 4

Domiciled and Principal Place of Business in Another State

☐ 5☐ 5

Foreign Nation

☐ 6☐ 6

V. CAUSE OF ACTION

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

16 U.S.C. § 410r-5

Va. days estimated (for both sides) to try entire case

J. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

A CONTACT	A TORTS	B FORFEITURE PENALTY	A BANKRUPTCY	A OTHER STATUS
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Motor Aut. <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgments <input type="checkbox"/> 160 Medicare Aut. <input type="checkbox"/> 162 Recovery of Delinquent Support Liens (Excl. Veterans) <input type="checkbox"/> 163 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 164 Bankruptcy's Bank <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 190 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 210 Airplane <input type="checkbox"/> 215 Airplane Product Liability <input type="checkbox"/> 220 Assault, Libel & Slander <input type="checkbox"/> 230 Federal Employees' Liability <input type="checkbox"/> 240 Marine <input type="checkbox"/> 245 Marine Product Liability <input type="checkbox"/> 250 Motor Vehicle <input type="checkbox"/> 255 Motor Vehicle Product Liability <input type="checkbox"/> 260 Other Personal Injury	<input type="checkbox"/> 510 Agriculture <input type="checkbox"/> 520 Other Food & Drug <input type="checkbox"/> 525 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 530 Labor Laws <input type="checkbox"/> 540 R.R. & Truck <input type="checkbox"/> 550 Airline Passenger <input type="checkbox"/> 560 Occupational Safety/Health <input type="checkbox"/> 580 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS <input type="checkbox"/> 430 Copyrights <input type="checkbox"/> 440 Patents <input type="checkbox"/> 445 Trademark B SOCIAL SECURITY <input type="checkbox"/> 451 SSA (28 USC) <input type="checkbox"/> 452 Black Lung (BEC) <input type="checkbox"/> 453 DMCA/DWV (42 USC) <input type="checkbox"/> 454 SSI Title XVI <input type="checkbox"/> 455 PDI (42 USC)	<input type="checkbox"/> 400 Bank Receivership <input type="checkbox"/> 410 Arbitration <input type="checkbox"/> 420 Bank and Banking <input type="checkbox"/> 430 Commerce/ICC Railroad <input type="checkbox"/> 440 Deposition <input type="checkbox"/> 470 Receiver, Insolvency and Corporate Organizations <input type="checkbox"/> 510 Selective Service <input type="checkbox"/> 520 Securities/Commodities/Exchange <input type="checkbox"/> 570 Customer Challenge 12 USC 410 <input type="checkbox"/> 581 Agricultural Acts <input type="checkbox"/> 582 Economic Stabilization Act <input type="checkbox"/> 583 Environmental Matters <input type="checkbox"/> 584 Energy Assistance Act <input type="checkbox"/> 585 Freedom of Information Act <input type="checkbox"/> 586 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 587 Constitutionality of State Statutes <input type="checkbox"/> 588 Other Statutory Actions * A or B
A REAL PROPERTY <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure B <input type="checkbox"/> 230 Rent Liens & Easements <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 250 All Other Real Property	A CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Workers <input type="checkbox"/> 445 Other Civil Rights	B PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentences Without Cause <input type="checkbox"/> 520 Habeas Corpus <input type="checkbox"/> 530 Death Penalty <input type="checkbox"/> 540 Mandamus & Other * A or B <input type="checkbox"/> 550 Civil Rights * A or B	A LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor Management Relations B <input type="checkbox"/> 730 Labor Management Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 750 Other Labor Legislation <input type="checkbox"/> 761 Employee Ret. Inc. Security Act B	A FEDERAL TAX SUITS <input type="checkbox"/> 470 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 471 Fed-Third Party 26 USC 7602

VI. ORIGIN

☒ 1 Original Filing
☐ 2 Removed from State Court
☐ 3 Removed from Federal Court
☐ 4 Refiled
☐ 5 Transferred from another District
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Multidistrict Litigation

VII. REQUESTED

IN COMPLAINT

CHECK IF THIS IS A

UNDER F.R.C.P. 23

CLASS ACTION

DEMAND \$

Check YES only if demanded in complaint

YES

JURY DEMAND:

XX NO

VIII. RELATED CASE(S) IF ANY

DATE

JUDGE Nesbitt

SIGNATURE OF ATTORNEY OF RECORD


(Land Commission, Other East
DOCKET NUMBER Everglades casescovered by Admin. Orders
96-13, 97-08 & 99-20)

UNITED STATES DISTRICT COURT

SF 1-2
REV. 8/94

FOR OFFICE USE ONLY: Receipt No.

Amount:

M/t/p:

Date Paid: